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JUVENILE INSTITUTIONS

1972

REPORT NO. 43
To the 43rd Legislative Assembly

MONTANA LEGISLATIVE COUNCIL
State Capitol
Helena, Montana



JUVENILE INSTITUTIONS

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RECOMMENDATION

The Montana Legislative Council recommends:

1. *That the appropriation made by the 41st Legislature for a new educational facility at Mountain View School be rescinded and that the remainder of the appropriation be reverted to the long-range building program.*



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STUDY OF MOUNTAIN VIEW EDUCATIONAL FACILITIES

HISTORY

The Mountain View School was established by law in 1893 as a part of the Boys and Girls Industrial School in Miles City, Montana. In 1919, the state legislature established a vocational school for girls at the present site seven miles north of Helena. On January 1, 1968, the name was officially changed to Mountain View School.

The Mountain View School has as its primary function the care, education, training, treatment and rehabilitation of girls under twenty-one years of age who are committed to the school by court as provided by law.

The 41st Legislative Assembly allocated a total of \$385,000 for construction at the Mountain View School. This allocation included \$300,000 for a new educational facility and \$85,000 for an intensive care unit at the Mountain View School. In March, 1971, architectural design on the two projects was halted by the 42nd Legislative Assembly. At this time, architectural design of the academic facility was nearly completed at a cost of \$14,326. One thousand twenty-five dollars (\$1,025) had been expended for design of the intensive care unit. The 42nd Legislative Assembly stated, "It is the desire of the 42nd Legislature to rescind for a period of two (2) years, the authorization granted by Chapter 374, Laws of 1969, Forty-first Legislature, for building a new academic facility at the Mountain View School to allow the Legislative Council to reevaluate and study alternate methods to the educational consideration that led to the request to construct this facility."¹ In compliance with this directive, the Legislative Council instructed its University Subcommittee to carry out this study of alternatives requested by the 42nd Legislature.

SCOPE OF THE STUDY - POSSIBLE ALTERNATIVES

Several different alternatives were considered which could provide for the education of the girls in the Mountain View School. One alternative would be to contract with a neighboring or nearby state for the care and education of the girls presently in the Mountain View School. A second alternative would be to convert Mountain View School to a purely custodial facility and to provide education for the girls in the Helena public schools. Another alternative would be to move the girls at Mountain View School to the Pine Hills School for boys in Miles City. A fourth alternative would be to remodel the present educational

¹"Extraordinary Session House Bill No. 3," Laws of Montana, Forty-Second Session, 1971, Vol. II, p. 1792.

facilities at Mountain View School and bring them up to present day standards. The final alternative considered would be to build the requested educational and intensive care structures at Mountain View School.

THE MONTANA JUVENILE CUSTODIAL SYSTEM

The authority of the judiciary and the welfare department to commit juveniles to specific institutions has, on occasion, been questioned. Current legal actions are especially relevant to state jurisdiction over Indian juveniles. Therefore, this section of the report first describes the commitment system as it operates in Montana and outlines the legal proceedings which have defined state jurisdiction over Indian juveniles. Then statistics describing the population of Montana's juvenile institutions including the county of commitment, the racial background of the juveniles, their age at admission, and reason for commitment are presented.

Two separate sections of the Revised Codes imbue the state district courts with jurisdiction over dependent, neglected and delinquent children. Sections 10-501 and 10-502 provide that the district courts of the state have original jurisdiction over dependent and neglected children. A "neglected" child is one whose parents have failed to exercise the degree of care demanded by family circumstances. A "dependent" child is one who must be supported by someone other than its natural or legal guardians. In both instances the child must be 16 years or younger and must live in an environment such as to warrant the state, in the interest of the child, to assume its guardianship or support. The court has the discretion to declare that the child is dependent or neglected and may send the child to the Montana Children's Center or otherwise provide for his care. Further, Section 10-509 provides that "(i)f said center is unable to receive said child, or if, for any other reason, it shall appear to be in the best interest of said child, the court may make such disposition of said child as seems best for its social and physical welfare."

Chapter 6 of Title 10 defines the district court jurisdiction over children less than 18 years of age who are declared to be delinquent. A "delinquent" child is one who has violated a city ordinance or state law, is habitually disobedient or wayward, is habitually truant, who departs himself as to injure or endanger the morals of himself or others or who operates a motor vehicle in such a way as to endanger life or property. Section 10-603 provides the district court with exclusive jurisdiction in proceedings against any person who is under 21 years charged with having violated the law while under 18. It further provides that any juvenile over the age of 16 convicted for certain enumerated crimes and sentenced to prison must be committed to the Department of Institutions to be confined in whatever institution seems most proper. In all other cases, the court may

(1) place the child on probation or under such supervision upon such terms as the court may establish; (2) commit the child to a suitable public or private institution, or to the Department of Institutions; or (3) request that the Department of Institutions temporarily confine the child to a youth camp subject to a determination by the Department that the child is suitable for placement in a youth camp.

The two chapters of Title 10, Chapters 5 and 6, grant to the district courts virtually unfettered discretion over the placement of juveniles. The court may place dependent and neglected children in either the Montana Children's Center, with the Department of Institutions or in a foster home. The court may also, with one exception, place the child on probation "or under such supervision upon such terms as the court shall determine." The only exception is that the court must commit the child to the Department of Institutions if the child is over 16 and is found guilty and sentenced to prison for having committed certain listed crimes of a serious nature. The court could, of course, avoid this exception by merely refusing to sentence the child to prison.

The only other limitation on the district courts is a relatively weak policy statement regarding the function of the Montana Children's Center. Section 80-2101 provides that the primary function of the Center is the support and care of dependent and neglected children who require separation from their families or for whom foster care cannot be obtained. It could be argued, then, that the Center should not accept those children who are adjudicated delinquent, because it is not the primary function of the Center to accept such children. However, the foregoing statute is not one of limitation. It only refers to the "primary function." Such language suggests that there may be other functions and under the applicable provisions of the statutes relating to placement of juveniles, it is conceivable that a judge can place adjudicated delinquents in the Children's Center if it is determined that the Center is the proper place for supervision under the circumstances.

It is generally held by authorities in the field of Indian law that "The principle that a state has no criminal jurisdiction over offenses involving Indians committed on an Indian reservation is too well established to require argument, attested as it is by a line of cases that reaches back to the earliest years of the republic."² The Montana Supreme Court has paraphrased this doctrine in Blackwolf et al v District Court 493 P2d 1293, 1295. "It is abundantly clear that state court jurisdiction in Indian affairs on reservations does not exist in the absence of an express statutory grant of such jurisdiction by Congress together with strict compliance with the provisions of the statutory grant."

²Cohen, Handbook of Federal Indian Law 66 (1942).

In 1953, Congress enacted Public Law 280, 67 Stat. 588-590 (August 15, 1953), which provided a procedure whereby the states could acquire criminal jurisdiction over offenses committed by or against Indians on Indian reservations. In accordance with that federal compact, the State of Montana enacted Title 83, Chapter 80, which obligates and binds the State of Montana to criminal jurisdiction over the Flathead Indian Reservation, provided the tribe consent, and the Governor of Montana proclaim the same. On May 16, 1964, the tribe issued Tribal Ordinance #40 (subsequently revised to #40-A) which gave the state jurisdiction in crimes committed on the reservation. The Governor of Montana issued the appropriate proclamation. However, on June 22nd, the tribal council issued a resolution expressly rescinding #40-A. This resolution was not transmitted to the Governor and no proclamation relinquishing state jurisdiction was issued. Since that time, the state has assumed continuing jurisdiction over crimes occurring on the Flathead Reservation.

In 1972, Tom McDonald, an Indian residing on the Flathead Reservation, was arrested in his home for possession of drugs. Upon indictment by a Montana County Attorney, McDonald requested the Montana Supreme Court to dismiss the state court action arguing that the state could not accept jurisdiction under the federal statute because of the constitutional disclaimer clause and because the tribe had rescinded its consent to state assumption of jurisdiction.

The court held that the State of Montana could properly exercise jurisdiction over McDonald. The decision hinged on two premises: (1) that the state consent required by federal law could be given by the legislature and did not require a constitutional amendment of the disclaimer clause, and (2) "The tribal council did not validly withdraw their consent to state criminal jurisdiction over Indians committing offenses on the Flathead reservation." (State ex rel McDonald v District Court 29 St. Rep. 265, 267) The court observed that the resolution rescinding consent was not transmitted to the Governor and a gubernatorial proclamation disclaiming jurisdiction was never issued.

In 1968, Congress passed the Indian Civil Rights Act, 82 Stat. 77, 25 U.S.C. 1321. Among the provisions of the Act was a requirement a tribe could only give consent to jurisdiction of a state by a special election and a majority of the enrolled members of the tribe voting for the assumption. A tribe could no longer, then, grant jurisdiction to the state through a tribal council edict as was done by the Flathead tribe. The U. S. Supreme Court clarified this point in *Kennerly v District Court* 400 U.S. 423, 91 S.Ct. 480. ". . . in absence of a special election called by either the tribal Council or the necessary number of enrolled members of the tribe . . ." the state could not be vested with jurisdiction. "The unilateral action of the tribal council was insufficient to vest Montana with jurisdiction over Indian country under 1953 Act." The court held, in effect, that the old federal act relating to tribal consent had been vitiated by the Indian Civil Rights Act.

The foregoing law was applied to three juveniles accused of larceny occurring on the Cheyenne Reservation in Rosebud County. Under the Cheyenne Juvenile Code, the tribal court may order the juvenile delivered to the appropriate juvenile department of the district court for such disposition as it may make through the use of the facilities and institutions provided by the State of Montana . . . provided that, upon the assumption of jurisdiction by the juvenile court of the judicial district by means of this section, the jurisdiction of the tribal court shall end. The Montana Court took jurisdiction and the juveniles appealed the assumption to the Montana Supreme Court. The Montana Supreme Court, recognizing the overwhelming weight of authority, held that the State of Montana did not have jurisdiction and dismissed the case (see Blackwolf, supra). The Court stated that "(a)ll matter concerning the exercise of jurisdiction by state courts over enrolled Indian citizens who reside within the exterior boundaries of an Indian reservation are controlled solely by federal law as to acts committed within the exterior boundaries of the reservation." (Blackwolf at 1295)

In summary, except where federal government has specifically allowed states to assume jurisdiction over Indians for crimes on Indian lands, NONE EXISTS. Federal statutes allow certain states to assume full jurisdiction over crimes committed on Indian lands with consent of the tribe rendered by special election of all the enrolled members of the tribe. Further, the state must agree to accept jurisdiction either by amendment of the disclaimer clause of the State Constitution or by legislation similar to Chapter 80 of Title 83. This combination has only occurred with regard to the Flathead Reservation and then, under the old federal statute requiring mere tribal council consent. It therefore follows that the State of Montana does not have criminal jurisdiction, which includes incarceration of Indians in state institutions for crimes occurring on the reservation.

The perceived efficacy of whether the State of Montana should urge assumption of jurisdiction depends upon the observer's prejudice toward the Indian and Indian self-government. Lack of state jurisdiction seems premised on the continued existence of a viable Indian Tribal Court, as a part of Indian self-government. Indians recently have expressed a growing desire to run their own lives and not be assimilated into the mainstream of American life. So long as the Indian seeks to remain a separate sub-culture, ". . . it seems both appropriate and essential that Indian Governments control those internal affairs . . . deeply interwoven with tribal culture and tradition."³ Tribal Courts, as a part of that culture and tradition should not be subjected to state intervention unless absolutely necessary and then only with the consent of tribal members and the State of Montana, and that intervention should have as little impact as possible on tribal life.

³"The Right of Tribal Self-Government," Comment, 1970 Utah Law Review, pp. 291-294.

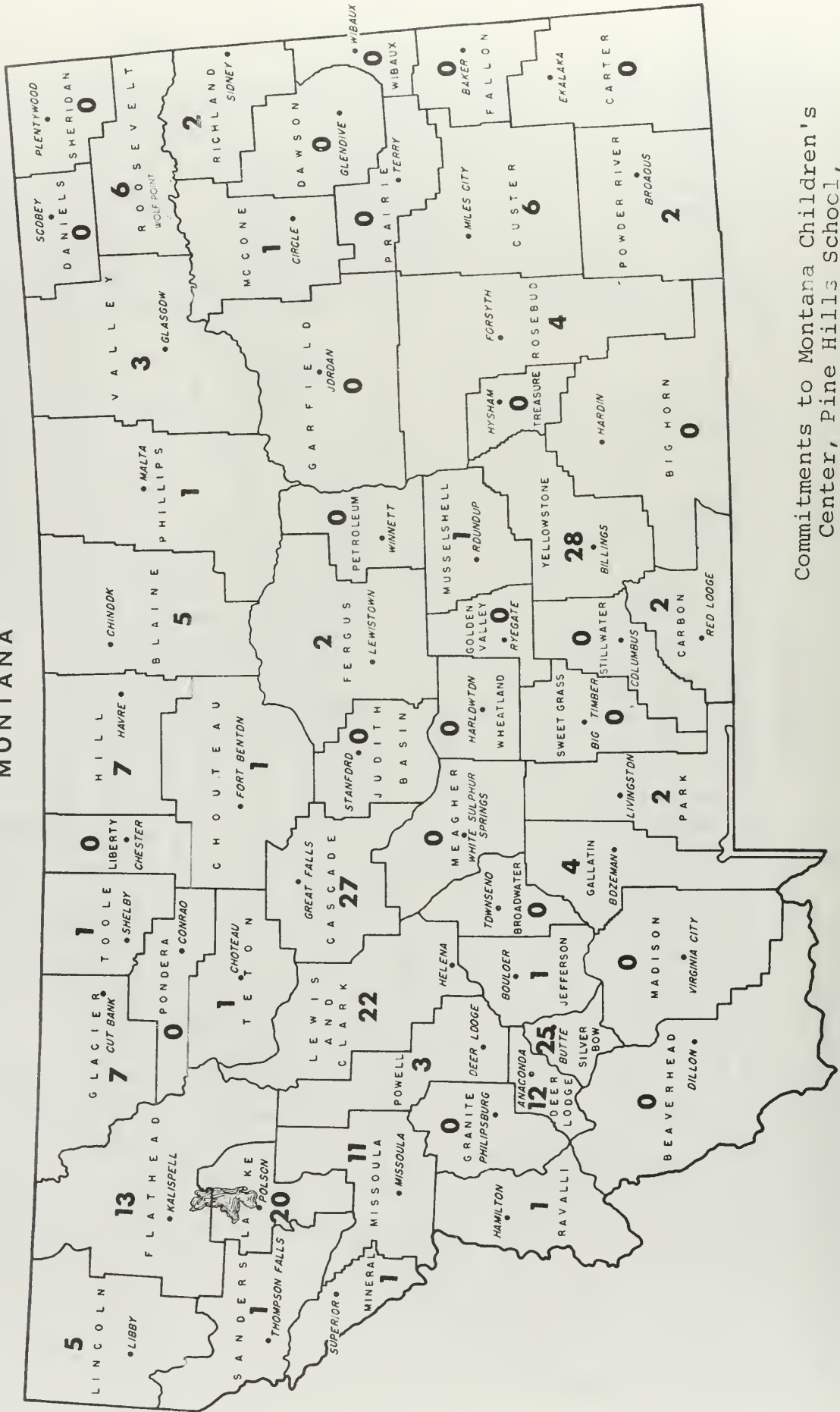
The Supreme Court of Montana reiterated this concept and phrased a caveat in Blackwolf: "The state's argument as it concerns the withholding or conferring of social benefits due our Indian citizens by the State of Montana is sound and well taken as a social principle. Yet this argument overlooks the basic fact that this Court is totally without authority to implement legislative changes as to the federal laws that govern. Once the Indian citizens comply with the mandatory procedures enacted by Congress and approved by the U. S. Supreme Court, Montana can and will join in the solution of these problems." (Supra at 1296)

MONTANA

Commitments to Montana Children's Center, Pine Hills School.

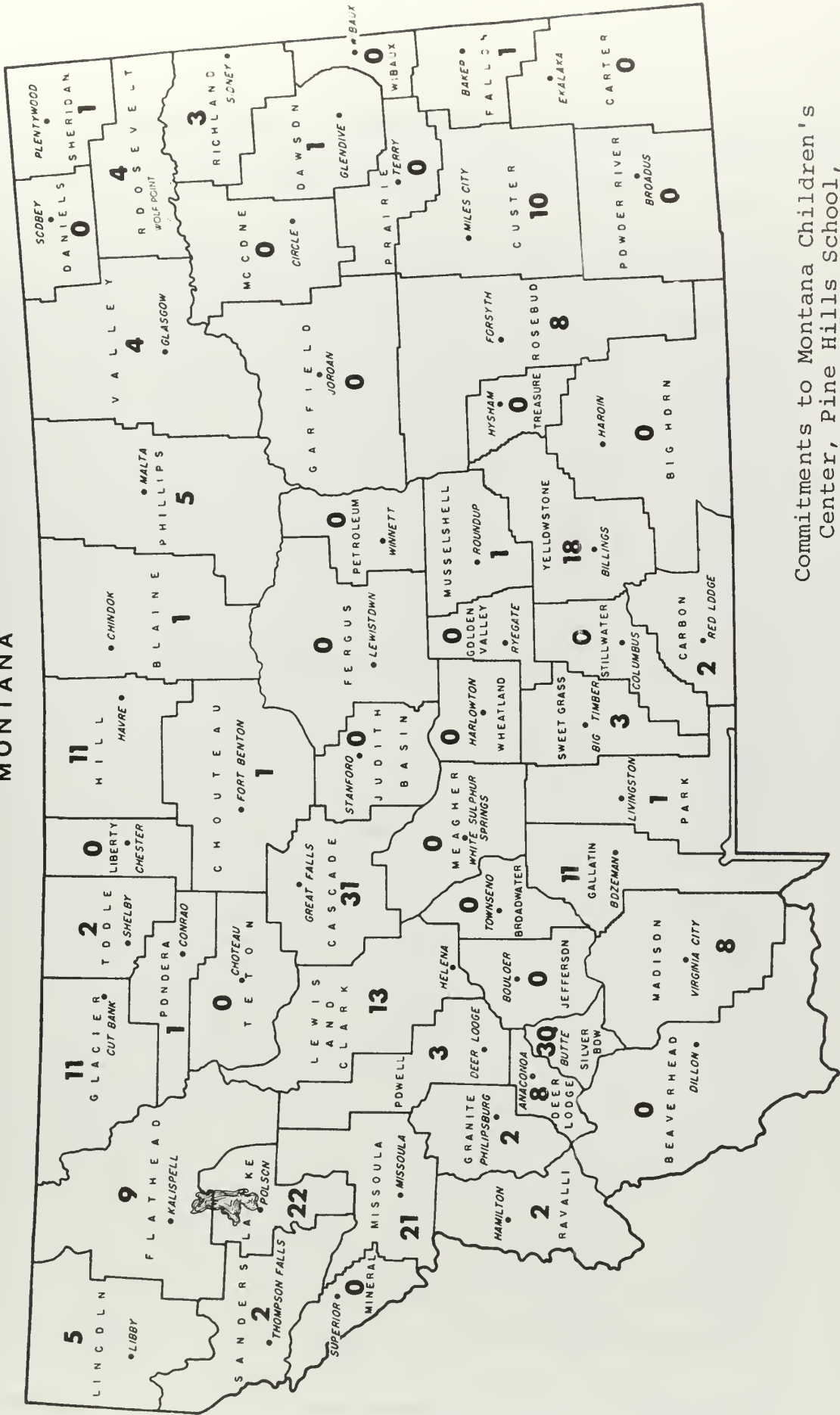
Commitments to Montana Children's
Center, Pine Hills School,
Mountain View School, FY 1969

MONTANA



Commitments to Montana Children's
Center, Pine Hills School,
Mountain View School, FY 1970

MONTANA



Commitments to Montana Children's
Center, Pine Hills School,
Mountain View School, FY 1971

TABLE I
COUNTY OF COMMITMENT BY INSTITUTION

COUNTIES	Fiscal Year 1969				Fiscal Year 1970				Fiscal Year 1971			
	MCC		MVS	PHS	MCC		MVS	PHS	MCC		MVS	PHS
	M	F			M	F			M	F		
Beaverhead												
Big Horn												
Blaine			1	3	1		1	3				1
Broadwater				1								
Carbon					1		1		1	1		
Carter												
Cascade	3	3	4	12	7	4	2	14	9	15	2	5
Chouteau				1	1							1
Custer			1	1			1	5			1	9
Daniels												
Dawson				3							1	
Deer Lodge	4	2	2	1	3	2	4	3	5	2	1	
Fallon				3								1
Fergus	2	2	8	6		1	1					
Flathead	1	3	7	8	3	2		8	1		2	6
Gallatin	1	3		5			1	3			5	6
Garfield												
Glacier	4	3	3	2	2	4		1	4	4	3	
Golden Valley												
Granite									1			1
Hill			1	3			3	4	2	1	5	6
Jefferson		1					1					
Judith Basin												
Lake	1	3	6	3	6	6	4	4	10	9	1	2
Lewis & Clark	7	7	3	7	7	6	5	4	4	2	5	2
Liberty												
Lincoln	3			2	1		1	3			1	4
McCone		1						1				
Madison											3	5
Meagher	1											
Mineral				1	1							
Missoula		1	4	1	2	1		8	1	3	2	15
Musselshell			1				1				1	
Park		2	2		1			1				1
Petroleum												
Phillips				1			1				1	4
Pondera										1		
Powder River								2				
Powell					1		1	1			1	2
Prairie				1								
Ravalli			2					1	2			
Richland				2				2		1	1	1
Roosevelt	3	4	6		2		4		1	2	1	
Rosebud	1	2	2	2	2	1	1				3	5
Sanders								1				2
Sheridan	1									1		
Silver Bow	6	2	2	4	6	3	5	11	6	5	10	9
Stillwater												
Sweet Grass										1	2	
Teton	1	1				1						
Toole	2			1	1				2			
Treasure												
Valley			1	2				3			1	3
Wheatland												
Wibaux												
Yellowstone	1		9	11	3	3	8	14	5	6	6	2
TOTAL	42	40	65	86	51	34	46	98	54	54	59	102
	82				85				108			

TABLE 2

FIRST ADMISSIONS TO MONTANA CHILDREN'S CENTER, MOUNTAIN VIEW SCHOOL
AND PINE HILLS SCHOOL, BY RACE

	Fiscal Year 1969				Fiscal Year 1970				Fiscal Year 1971			
	MCC		MVS	PHS	MCC		MVS	PHS	MCC		MVS	PHS
	M	F			M	F			M	F		
CAUCASIAN	31	20	40	61	30	19	27	74	33	24	36	85
MEXICAN	1		2	1		1		1	1	1		2
INDIAN	4	13	15	13	17	10	14	9	15	22	8	12
NEGRO												1
CAUC/MEX			1		1	1	1				3	1
MEX/IND			1					1				
CAUC/IND	3	5	6	10	2	3	4	13	4	5	9	1
OTHER				1	1				1	2	3	
UNKNOWN	3	2										
TOTAL	42	40	65	86	51	34	46	98	54	54	59	102
	82				85				108			

TABLE 3

FIRST ADMISSIONS TO MONTANA CHILDREN'S CENTER, MOUNTAIN VIEW SCHOOL
AND PINE HILLS SCHOOL, BY AGE

	Fiscal Year 1969				Fiscal Year 1970				Fiscal Year 1971			
	MCC		MVS	PHS	MCC		MVS	PHS	MCC		MVS	PHS
	M	F			M	F			M	F		
2												
3												
4												
5												
6	1											
7	2											
8	4				2							
9	2	1			3	1			1	1		
10	2	2			2	1			2	2		
11	5	3			3				4	3		
12	5	4	2		8	4			1	7		1
13	6	9	5	3	10	2	6	4	14	11	5	7
14	6	11	17	16	10	13	8	18	15	13	9	19
15	7	6	10	17	10	9	19	28	11	10	22	22
16	2	4	15	28	3	4	11	31	5	6	10	29
17			5	10			2	14	1	1	13	21
18			1	1				3				3
19				1								
TOTAL	42	40	65	86	51	34	46	98	54	54	59	102

TABLE 4

REASONS FOR COMMITMENT TO MONTANA CHILDREN'S CENTER,
MOUNTAIN VIEW SCHOOL AND PINE HILLS SCHOOL

REASONS	Fiscal Year 1969			Fiscal Year 1970			Fiscal Year 1971		
	MCC	MVS	PHS	MCC	MVS	PHS	MCC	MVS	PHS
	M	F		M	F		M	F	
Murder									1
Robbery						1			1
Assault						1			4
Burglary	3		35	3		36	4	1	3
Larceny & Theft	3	1	10	1		10			8
Auto Theft			14			20		3	21
Embezzlement & Fraud									1
Forgery			4			1			1
Sex Offenses		2	9		1			1	
Drugs	1		4	3		1		1	11
Liquor		1		2		2			1
Delinquency	2	1	2	4	8	4	3	3	9
Dependency	18	14	1		25	15		16	18
Abandonment	1	1						23	20
Improper Environment	8	10	4		4	3		1	2
Abuse/Cruel Treatment			1						
Unable to Adjust	2	1						1	
Incorrigible	2	3	31	9	10	12	38	19	9
Runaway	1	3	7	5				10	33
Truancy	1	1	3				3	1	3
Shelter		2							9
Custody									2
								1	
TOTAL	42	40	65	86	51	34	46	98	54
									54
									59
									102
									</

Compiled by John G. Thomas, Aftercare Director, Montana State Department of Institutions

DISCUSSION OF ALTERNATIVES

1. Educating Juvenile Girls in Other States

First, Montana could contract with other states for the care and education of the girls now at Mountain View School. Inquiries were made in the states of Wyoming, Idaho, Nevada, North Dakota, South Dakota, California and Utah concerning such a special contractual agreement to care for and educate Montana's juvenile girls. Only the states of California and Utah would be willing to accept, in a limited number, girls from Montana. The charge in California institutions would be \$675 per month and in the Utah institutions would be \$750 per month. It should be noted that the distance to juvenile institutions in these two states would greatly limit visits by parents and relatives. In addition, in the event of population increases in these two states' juvenile institutions beyond their capacity, Montana's girls would be returned to the state.

2. Utilizing Educational Facilities of Helena Public Schools

The second alternative, educating Mountain View girls in Helena public schools, represents a radical change in society's attitude toward these girls. In the not so distant past, the notion prevailed that these juveniles should be separated from society so that their example would not be imitated by other young people. Certainly the idea of integrating the wayward youth institutionalized at Mountain View School with the students in the Helena public schools is a drastic departure from the concept of isolating these girls from the rest of society.

Perhaps neither the people of Montana nor the girls at Mountain View School are ready for this degree of contact. In any event, a framework can be constructed which indicates the impact that would result from transferring the function of educating Mountain View School students from the School itself to the Helena public schools.

One important factor would be financing the additional cost to the Helena public schools if this transfer were accomplished. Mountain View School currently has a population of about seventy-seven girls. For a number of years, students from the Montana Children's Center have been educated in the Twin Bridges public schools. The legislature has provided that the public schools in Twin Bridges shall receive \$500 annually for each student from the Montana Children's Center who attends public school for forty or more school days during the school term. Given the current population at Mountain View School, a similar arrangement with the Helena school system would require an appropriation from the legislature of between thirty-five and forty-five thousand dollars (\$35,000 - \$45,000).

Educational program costs at Mountain View School for fiscal year 1972 were \$87,953. Of this amount, \$82,953 came from a general

fund appropriation. If these girls were transferred to the Helena public schools, general fund expenditures for the educational program would be reduced by approximately forty thousand dollars (\$40,000) even if a cost sharing arrangement were made with the public school system.

Since Mountain View School is located seven miles from Helena, additional transportation facilities would be required to carry the girls back and forth to school. The girls range in age from twelve to eighteen. This age spread would mean that more than one of the Helena schools would be involved in educating the girls. Transportation routing and scheduling would be required in order to conform to the different schools involved.

Education programs offered in Mountain View School are of an unstructured type. That is, girls are not placed in any specific grade level when they enter the school. Instead, each girl is tested when she enters the school in order to determine her level of scholastic achievement. During a student's first week at Mountain View School, she is tested to determine her I.Q. and reading grade level. She is then placed in classes which match her ability and previous scholastic achievement. The following is a list of classes offered at Mountain View School during the 1971-72 school term and a description of the educational ability and achievement of the girls now at the Mountain View School.

Educational Programs at Mountain View School*

On this date, March 13, 1972, there are 77 girls at the Mountain View School.

Of this group of 77 girls some have been at the Mountain View school since school started in September, 1971. I have tried to break down the various on campus and off campus programs; school and/or work programs. All of this becomes rather complicated as a girl may work off campus for a half day and attend the Mountain View academic school the other half. She may only do this one school quarter and must be rescheduled to attend school on a full-time basis the next quarter. It is very individual type of programming based on institutional adjustment and what is best for the child in relation to her total rehabilitation program.

Of the 77 girls presently residing at the Mountain View School some were here the first quarter of school, many the second quarter and all the third quarter. I have tried to break down the programs each girl was involved in on a quarter basis.

*Furnished by Donald P. Robel, Superintendent, Mountain View School

FIRST QUARTER

38	Full time Mountain View Students
4	Half time Mountain View Students & half time off-campus work
1	Attending Helena High School on a half time basis
1	Attending Helena Junior High on a full time basis
1	Worked full time and received training at the Helena Sheltered Workshop
—	
45	TOTAL

SECOND QUARTER

56	Full time Mountain View Students
1	Worked full time-Assistant Cook in Helena
1	Worked full time and received training at Helena Sheltered Workshop
3	Half time Mountain View Student & part time work off campus
—	
61	TOTAL

THIRD QUARTER

68	Full time Mountain View Students
1	Works and receives training at the Helena Sheltered Workshop
1	Works weekends as a Nurse Aid, Off Campus
6	Half time Mountain View Student & works off campus half time
1	Attending Montana Training In- stitute in Helena. Key punch Operator Training
—	
77	TOTAL

There were other girls who were involved in various other off campus programs the first and second quarters of school, but these girls have been placed and are not included in the above summaries. In addition to the present 77 girls, there are five girls who graduated from the Mountain View School in January, 1972. There were 34 girls who were placed since school started in September, 1971.

Those who attend school at the Mountain View School may have a schedule of classes that includes both regular academic classes and vocational courses.

The following is a list of classes we have offered for each of the first three quarters of the 1971-72 school term. Our entire education program has been broadened with the addition of Carroll College cadet teachers each quarter.

NUMBER OF CLASSES

	<u>FIRST QUARTER</u>	<u>SECOND QUARTER</u>	<u>THIRD QUARTER</u>
English	5	5	5
Drama	2	2	2
Speech	2	2	3
Home Ec	3	3	3
Consumer Ed	1	1	1
Education for Parenthood	1	0	1
Medical Self Help	0	1	0
Health	1	2	0
History - World	1	1	1
History - American	2	2	2
Mont. History & Indian St.	1	1	0
Black Studies	1	1	1
Nurses Aide & Lab.	1	1	1
Math (Alg., Geom., Gen.)	4	4	5
Spanish	3	3	1
Art	3	3	2
Physical Education	3	3	4
Dance	2	2	2
Typing	3	2	2
Bookkeeping	0	1	1
Office Practice	1	1	1
Office Machines			1
Social Studies	1	1	1
Independent Study	1	2	3
Biology	1	1	1
General Science	1	1	1
Remedial Reading	1	1	1
Special Education	0	0	1
Ceramics	2	2	3
Personal Grooming	1	1	1

Characteristic study of the 77 present Mountain View Girls:

54 girls or 70.1% of the current population are products of broken homes. This includes divorce, separation, desertion, or death of either parent.

36 girls or 46.7% of the current population are from families that are receiving assistance from Welfare or BIA.

54 girls or 70.1% of the current population are from families in which there are more than 4 children. The average number of siblings in a Mountain View School girl's family is 6.4.

5 girls or 6.5% of the current population were committed for felonious type crimes. Fifteen girls or 19.5% were committed for drug abuse. The remainder were committed for juvenile offenses with the main one being incorrigibility.

Of the present population, 17 girls or 22.1% have been residents of other state or private institutions prior to commitment to the Mountain View School.

<u>INSTITUTION</u>	<u>NUMBER OF GIRLS</u>
Boulder River School	2
Montana Children's Center	11
Warm Springs State Hospital	3
Montana Deaconess Home	1

Records indicate that 11 girls or 14.3% of the current population have made suicidal attempts prior to commitment to the Mountain View School.

Racial distribution of current population as compared to March 13, 1967:

<u>RACE</u>	<u>NUMBER OF STUDENTS - 1972</u>	<u>NUMBER OF STUDENTS - 1967</u>
Indian	31 (40.2%)	35 (54.6%)
Mexican	0 (0%)	2 (3.1%)
Negro	1 (1.3%)	0 (0%)
Caucasian	<u>45</u> (58.4%)	<u>27</u> (42.2%)
TOTAL	77	64

The increase in the number of Caucasian girls in 1972 also appears to be related to the higher number of middle class type of girls being committed as compared to 1967.

DISTRIBUTION OF STUDENTS BY AGE

<u>STUDENTS'S AGE</u>	<u>NUMBER GIRLS THIS AGE</u>
12 years	1
13 years	1
14 years	13
15 years	16
16 years	28
17 years	15
18 years	3

EVALUATION OF EDUCATIONAL ABILITY

All incoming girls receive the Otis Self-administering I.Q. Test and the Wechsler Test. Culturally deprived students receive the Gilliland Learning Potential Test. If these tests present suspected results, the Culture Fairs test is administered. In addition, all students receive the Nelson or Nelson-Denny reading exams and the California math exam.

Summary of I.Q. Tests:

<u>ABILITY RANGE</u>	<u>NUMBER OF STUDENTS IN THIS RANGE</u>	<u>AVERAGE I.Q. SCORE IN THIS RANGE</u>
Retarded (below 69)	4	61
Borderline (70-79)	7	75
Dull Normal (80-89)	23	85
Normal (90-109)	34	98
Bright Normal (110-119)	5	113
Superior (120-129)	2	121
Very Superior (Above 130)	2	133

Average I.Q. of the present 77 students - 93

Following is a break-down of the reading grade levels of our students according to the grades they were in at the time of their commitment.

TABLE 5

BREAKDOWN OF READING GRADE LEVELS
AT MOUNTAIN VIEW SCHOOL

GRADE STUDENTS WERE IN	NUMBER OF STUDENTS	LOWEST LEVEL PER GRADE	HIGHEST LEVEL PER GRADE	STUDENTS AT GRADE LEVEL	STUDENTS BELOW GRADE LEVEL	STUDENTS ABOVE GRADE LEVEL	AVERAGE CLASS READING LEVEL
6	3	6.0	6.4	3	0	0	6.2
7	9	3.2	9.5	1	4	4	6.7
8	19	5.2	13.7	4	9	6	8.5
9	27	4.7	10.5+	8	13	6	8.5
10	12	5.9	13.2	4	5	3	9.6
11	3	10.0	14.0+	0	1	2	11.5

Boulder or
Special
Classes

4 1.5 5.7 No set criteria for these classes 4.0

Average reading level of Mountain View School students: 8.2 (eighth grade second month)

A comparison of 17 year old students helps explain why ours is an ungraded school:

Student #1	I.Q. 131	Reading Level - Above college Sophomore
Student #2	I.Q. 120	Reading Level - College freshman
Student #3	I.Q. 71	Reading Level - Eighth grade, 3rd month
Student #4	I.Q. 70	Reading Level - Fourth grade, 7th month

A comparison of four 14 year old students shows the same range:

Student #5	I.Q. 86	Reading Level - Fifth grade
Student #6	I.Q. 142	Reading Level - College freshman
Student #7	I.Q. 88	Reading Level - Sixth grade, first month
Student #8	I.Q. 99	Reading Level - Ninth grade*

3. Coeducational Facilities at Pine Hills School

A third alternative considered was to phase out the Mountain View School and establish a coeducational correctional institution at Pine Hills School in Miles City. This alternative would allow increased utilization of the educational facility constructed at Pine Hills School in 1968. Certain duplicated services could be eliminated if the two schools were combined with a resultant salary savings of approximately one hundred seven thousand dollars (\$107,000) annually, according to information from the Department of Institutions. This centralization would, however, require the construction of at least two thirty-bed cottages for girls. This construction would cost approximately four hundred thousand dollars (\$400,000).

*End of material furnished by Donald P. Robel.

PINE HILLS SCHOOL

Educational Capacity - in excess of 250
 Dormitory Capacity - 150
 Food Service Capability - in excess of 250
 Heating Plant Capability - sufficient for 2 more cottages

FY 1972 Budget

<u>Program</u>	<u>Total Operational Plan</u>	<u>General Fund</u>	<u>PHS Fed. & Private Rev- enue Fund</u>	<u>PHS Fed. & Private Int. & Inc. Account</u>
Administration	\$ 94,874	\$ 94,874		
Care & Custody	307,227	282,227	\$ 25,000	
General Services & Physical Plant	303,878	293,390	488	\$ 10,000
Education & Training	286,027	219,901	66,126	
Farm	47,011	47,011		
Clinical Services	<u>144,382</u>	<u>125,468</u>	<u>18,914</u>	
TOTAL	\$1,183,399	\$1,062,871	\$110,528	\$ 10,000

Personnel Requirement
 FY 1972

<u>Program</u>	<u>FTE (Full Time Equivalent)</u>
Administration	8.0
Care & Custody	38.5
General Services & Physical Plant	22.5
Education & Training	22.0
Farm	4.0
Clinical Services	<u>12.0</u>
TOTAL	107.0

Present enrollment (May 9, 1972) - 144
 Student/employee ratio - 1.35:1
 Student/teacher ratio - 6.54:1
 Per pupil cost (less education) - \$19.41
 Educational cost per pupil - \$1,986

MOUNTAIN VIEW SCHOOL

FY 1972 Budget

<u>Program</u>	<u>Total Operational Plan</u>	<u>General Fund</u>	<u>Title I</u>
Administration	\$ 60,558	\$ 60,558	
Care & Custody	232,822	223,608	\$ 9,214
Education & Training	87,953	82,953	5,000
General Services	<u>139,812</u>	<u>139,812</u>	
TOTAL	\$ 521,145	\$ 506,931	\$ 14,214

Personnel Requirement
FY 1972

<u>Program</u>	<u>FTE (Full Time Equivalent)</u>
Administration	5.0
Care & Custody	30.0
Education	11.86
General Services & Physical Plant	<u>12.0</u>
TOTAL	58.86

Present enrollment (March 13, 1972) - 77
 Student/employee ratio - 1.31:1
 Student/teacher ratio - 6.49:1
 Per pupil cost (less education) - \$16.37
 Educational cost per pupil - \$1,142

MONTANA CHILDREN'S CENTER

FY 1972 Budget

<u>Program</u>	<u>Total Operational Plan</u>	<u>General Fund</u>	<u>Federal & Pri- vate Revenue Fund</u>
Administration	\$ 46,685	\$ 46,685	
Counseling and Guidance	320,774	320,774	
Education and Training	129,745	96,985	\$ 32,750
General Services	<u>288,163</u>	<u>288,163</u>	
TOTAL	\$ 785,367	\$ 752,607	\$ 32,750

Personnel Requirement
FY 1972

<u>Program</u>	<u>FTE (Full Time Equivalent)</u>
Administration	4.0
Counseling and Guidance	46.0
Education	12.0
General Services and Physical Plant	<u>20.0</u>
TOTAL	82.0

Present enrollment (May 30, 1972) - 162
 Student/employee ratio - 1.8:1
 Student/teacher ratio (on campus) - 18:1
 Per pupil cost (less education) - \$14.83
 Educational cost per pupil (does not
 include cost for each pupil
 attending school at Twin Bridges
 High School--\$500) - \$800

Group Home Costs
FY 1971

Total expenditure per pupil per day
 (includes capital expenditures
 and operating expenses) - \$8.08

4. Remodeling Existing Structures at Mountain View School

The last two alternatives considered, remodeling existing facilities or building the proposed educational structure, have separate merits, the strength of which depends upon trends now developing in the area of juvenile rehabilitation. Remodeling of existing facilities would be less expensive than constructing a new building. But the life span of the remodeled structure would also be less than that of a new building.

If the trend continues to keep wayward youth within the community through the use of group homes and increased counseling and aftercare services, a reduction in the population of Montana's juvenile institutions, including Mountain View School, may be expected. In basing decisions on this trend, one must assume that Montana's overall population will continue its past record of minimal growth. One must also assume that the increasing frequency of girls from white, middle-class families who enter the institutional structure can be absorbed within a system of juvenile services at the community rather than the state level. Finally, one must assume that funding to provide group homes and services at the community level will be made available.

State resources which are diverted from the institutional system will not be a saving for the state. The environment which creates wayward youth cannot be eliminated by the actions of the legislature. If a short-term solution of the educational deficiencies of Mountain View School is sought in remodeling the existing structures, then another system must be developed to care for Montana's juvenile girls after the remodeled buildings have passed their functional life span. The decision to seek a short-term solution to the educational needs at Mountain View School must be based on the conviction that other facilities for the care and treatment of juvenile girls can and will be functioning by the time the remodeled structures have become outmoded.

If Montana experiences a rapid population growth, or if society's ills, including drug abuse, continue to escalate the female juvenile delinquency rate in Montana, an extended period of time may be required to implement a system of services on the community level. In this event, drastically reducing the population of Mountain View School may not be practicable for many years. If this period of time is longer than the life-span of the remodeled facilities, then the feasibility of constructing a new building, at more cost but with a longer life-span, is enhanced.

In order to consider remodeling the present facilities at Mountain View School, a study was made concerning the utilization of the education facilities that presently exist. The following is a list of the major buildings at Mountain View School, a description of the rooms used for education within each of these

buildings and the classes taught in each room. It should be noted that Adair Hall for many years was assumed to have been damaged by the 1935 earthquake. However, the State Architect has determined that this building is structurally sound, although it lacks sufficient electrical wiring and a required smoke and fire detection system.

PHYSICAL FACILITIES AT MOUNTAIN VIEW SCHOOL

At the present time, there are nine major buildings and several small outbuildings at Mountain View School. Of the nine large buildings, four are used for educational facilities, although most of the academic classes are taught in the Administration Building.

Constructed in 1922, the Administration Building has six classrooms, an auditorium and two basement areas which are used as instructional facilities. The following is a list of these facilities, the classes taught in them, and the apparent adequacy of the facility for the purpose for which it is used. The science room is used five hours per day for the instruction of four different classes; two nurses' aid classes, one drug class, one biology and one general science class. The room is approximately twenty-five feet by thirty-five feet and appears to be adequate for its purpose, although it has no facilities for science courses which require lab work.

The home economics room provides facilities for three sewing and three cooking classes each day. The room is approximately thirty feet by forty feet. The room and the facilities in it appear to be adequate for the purpose to which they are devoted.

The library is used for four English classes and two library periods each day. Using the library as a classroom is apparently in conflict with regulations promulgated by the Office of the Superintendent of Public Instruction. The room is approximately twenty-five feet by thirty-five feet, and disregarding the conflict with the Office of Superintendent of Public Instruction regulations, appears adequate for the purpose.

The typing room provides space for two typing classes, two office practice classes, an English class and a bookkeeping class each day. The room size is approximately twenty-five feet by thirty feet. The room appears adequate for this purpose.

Four history classes and a government class are taught in the history room. The room has dimensions of approximately twenty feet by twenty-five feet and appears adequate for the purpose.

The social studies room is a rather small area, approximately fifteen feet by twenty feet and must be entered through the history room. This naturally results in disruption of classes

conducted in the history room each time a student enters or leaves the social studies room. The room provides space for two English classes, two special education classes, a novels class, and a Spanish class each day.

The auditorium in the Administration Building is approximately sixty feet by forty feet. Each day three math classes are conducted in this room. Since the largest math class contains only 13 students, the large size of the room is conducive to distraction and a general feeling of emptiness for these classes.

In the basement, two areas are used for educational facilities. One large area is used for two art and three ceramics classes a day. The smaller area serves as a salon for eight hours of beauty culture every Thursday.

These are the educational facilities located in the Administration Building. Although most classrooms are adequate, the building is old and drafty. During winter months students must wear coats because it is impossible to hold heat in the building.

Maple Hall, also constructed in the twenties, is used primarily as a dormitory, but in addition contains a room used for special education. There is also a room used as a staff library and coffee room and a vacant kitchen which is not currently utilized.

Another building with its origin in the twenties is the gymnasium. Presently, three dance classes, two P. E. classes and a drama class are taught in this building. The gymnasium seems adequate for the purpose to which it is devoted although the shower facilities are definitely antiquated and sorely in need of modernization.

Adair Hall was built around 1922. Formerly used as a dormitory, the building is now devoted to educational facilities and also contains an apartment. A speech class, a communications class and a coaching class are carried on in this building each day. In three of the small rooms on the second floor, there are facilities for nurses' aid training. Adair Hall contains a significant amount of unutilized area which could be devoted to educational facilities. However, extensive remodeling would be required to remove the partitions dividing this space into sleeping rooms. Given the age and general condition of the building, the cost of this remodeling may not be justified.

Spruce Hall, also of 1920's vintage, is used as a dormitory and contains no educational facilities.

Cottonwood Hall, constructed in 1958, is another dormitory containing no educational facilities.

The clinic was constructed in 1960. It contains a staff apartment and a detention center but no classrooms.

Number of Students

Building Room (classes)	8:45 - 9:40	9:45 - 10:40	10:50 - 11:45	12:45 - 1:40	1:45 - 2:40	2:50 - 3:45
ADMINISTRATION BLDG.						
Science Room						
General Science					9	11
Biology						
Drug Class			15			
Nurses' Aid	7	7				
Home Economics						
Sewing	9	8		7	9	7
Cooking						
Library						
English	8	6	10	7		2
Library					?	
Typing Room						
Typing	11				15	
Office Practice			11	11		
English			8			
Bookkeeping		6				
History						
History	8				7	10
Government			2	11		
Social Studies						
English						
Special Ed.			4	4	6	6
Novels		13				
Spanish	6					
Auditorium						
Math	8	13	13			
Basement						
Art		7		8	6	6
Ceramics				4		

		Number of Students					
Building	Room (classes)	8:45 - 9:40	9:45 - 10:40	10:50 - 11:45	12:45 - 1:40	1:45 - 2:40	2:50 - 3:45
GYMNASIUM							
	Dance		8	10	7		
	P. E.					12	12
	Drama	10					
ADAIR HALL							
	Speech				11		
	Communications					10	
	Coaching (apartment)						?
MAPLE HALL							
	dormitory facilities						
	special ed. (1 room)						
	staff library						
	kitchen (vacant)						
SPRUCE HALL							
	dormitory facilities						
COTTONWOOD HALL							
	dormitory facilities						
CLINIC							
	staff apartment						
	detention center						
CAFETERIA							
SHOP							

The cafeteria was constructed in 1967. At the present time, it is not used for educational purposes.

The last major building at Mountain View School is the shop, constructed in 1969. It contains no facilities for education.

The Elementary Supervisor for the Office of the Superintendent of Public Instruction has reviewed deviations from accreditation standards for Mountain View School for the past three years and has found no reference to inadequate facilities at the school.

Remodeling the present facilities could be accomplished in a manner which would allow greater flexibility in admitting, testing, counseling and educating the girls at Mountain View School. The proposal for remodeling is as follows:

1. Remove all functions except education from the Administration Building and renovate the building to present-day standards. Renovation would include replacing outmoded plumbing and providing sufficient lavatory facilities, new facilities for the science room which would permit the lab instruction required in general science and biology, and the installation of plumbing facilities required in the practical nurses course; replacement of the outmoded heating plant and the installation of insulation sufficient to maintain a comfortable environment in the winter months; installation of wiring sufficient to provide for the requirements of electric typewriters, home economics and laboratory facilities; and, conversion of the present auditorium into two rooms more compatible with an instructional function.
2. Move the administrative offices from the Administration Building and Social Services from Maple Hall into one wing of Cottonwood Hall. This would reduce the housing capacity of Cottonwood Hall by fifteen rooms. It would, however, centralize the administrative and admission facilities at the entrance to Mountain View School. In addition, the twelve remaining rooms in Cottonwood could be used as a reception center for new admissions and as a counseling and testing area for girls sent to the school for thirty-day evaluations. Since the space required for these offices would include the present dayroom in Cottonwood Hall, a new facility would have to be constructed at the end of the remaining housing wing.
3. The girls who would be displaced from Cottonwood would be housed in Adair Hall. This would require a minimal amount of renovation in the form of new wiring, a heat and smoke detector, and a general

paint and refurbishing project.

This remodeling proposal has the advantage of centralizing the educational facilities in one building. However, the time required for this renovation to be accomplished would entail considerable disruption of the educational program at Mountain View School.

The following estimates of necessary costs for remodeling were made by the State Architect:

Administration Building	\$ 185,300
Cottonwood Hall	79,300
Adair Hall	<u>17,400</u>
TOTAL	\$ 282,000

5. Construction of the Proposed Educational Facility

The final alternative examined was building the proposed structures which were funded by the 41st Legislature. As previously noted, of the \$385,000 appropriated, \$15,351 has already been spent for design costs for the two facilities. The restriction imposed by the 42nd Legislature, halting construction pending study by the Legislative Council, is self-executing. In other words, if the Legislature takes no further action, the funds frozen by the 42nd Legislature will become available for construction of the facilities at Mountain View School in March, 1973.

Any decision on the construction of the proposed facilities, or any of the other alternatives, must be considered in the light of the trend toward smaller, decentralized facilities for juveniles. If this trend continues and accelerates, an investment in major institutional facilities with an anticipated life-span of many years is not justified. If, however, demographic and social conditions preclude a reduced emphasis on centralized institutions, a longer lasting solution to Mountain View School educational deficiencies is a viable alternative.

Conclusions

The Council was unable to recommend any of the five alternatives studied as a viable solution to the deficiencies in the educational facilities present at Mountain View School. The Council was especially anxious to avoid constructing facilities which have a capacity grossly in excess of what the future population of the school is likely to be.

The trend toward group homes for wayward youth and their effectiveness in rehabilitating juveniles in Massachusetts, Florida, California and Montana itself was a major factor in the decision. Constructing a new educational facility at Mountain View School is a logical approach only if the group home concept is not

expected to have a major impact on Montana's institutional population within the next forty years at a minimum. A shorter term solution would be to remodel facilities already in existence at Mountain View School. However, even though these facilities would have a shorter life-span than a new facility, they could still be expected to last for at least twenty more years. The Council did not feel that it should recommend that the next legislature commit \$282,000 to the remodeling of facilities which may cease to be of use long before the end of their effective life.

Instead, the Council felt that a shorter term solution, one lasting three to five years, would be more appropriate. This period of time would permit a thorough evaluation of the trend toward group homes. If the effectiveness of this approach is manifest at the end of this period, Montana would be in a better position to implement a statewide system of group homes for children who need to be removed from their home environment. And, the state would not be a possessor of a "white elephant" institutional facility.

If, during this short-term evaluation period, additional classroom space is required, it could be provided through the use of mobile classrooms.

Concern was expressed that a security institution may be required for a smaller number of girls even if increased emphasis is placed on group homes in the future. There are two alternatives which could fill this need should it arise. The girls could be kept at Mountain View School and educational training could be obtained through contract with the Helena Public School system. This educational service would be provided on the campus of Mountain View School.

The other alternative would be to combine both the boys' and girls' schools at the Pine Hills School in Miles City. Since an expanded system of group homes would presumably reduce the population at Pine Hills School as well as at Mountain View School, there should be adequate facilities for both boys and girls without further construction.

